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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoichiro Sako

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9847

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7590

10/23/2006

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,888

Applicant(s)

SAKO ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-2, and 5-7 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/28/2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of Matsumoto (US 6542870) in view of Tsutsui (US 6496898) and further in view of Tagawa et al (US 6615192).

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As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the respective selected pieces of audio data and encrypting both album and the plurality of data using different keys.

However Matsumoto teaches such individual selection and adding of information to selected pieces of audio data with respective rights information (see column 18 lines 10-67 and column 20 lines 27-39), Tsutsui teaches encrypting each song with a different key (see column 17 lines 29-43) and Tagawa et al teaches encrypting each album with a different key (see column 1 lines 29-48).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually to respective audio

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files and to encrypt the plurality of pieces of input data (songs) and the album with different keys.

Motivation to do so would have been to inhibit playback (see Matsumoto column 19 lines 15-17 and column 20 lines 27-39), to prevent the encrypted data from being played back on another information record/reproduction device (see Tsutsui column 17 lines 29-43), and to conform with the DVD copyright protection method and CCI (Copy Control Information) standard (see Tagawa column 1 lines 29-48).

As per claim 2, the modified Linnartz, Matsumoto, Tsutsui and Tagawa et al system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz, Matsumoto, Tsutsui and Tagawa et al system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz, Matsumoto, Tsutsui and Tagawa et al system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to the modified Linnartz, Matsumoto, Tsutsui and Tagawa et al

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system's copy protection. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, Matsumoto, Tsutsui, Tagawa et al, and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of McCready ("How to Register Your Copyright") in view of Tsutsui (US 6496898) and further in view of Tagawa et al (US 6615192).

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the

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selected pieces of data and encrypting both album and the plurality of data using different keys.

However McCready teaches such individual adding (page 2), Tsutsui teaches encrypting each song with a different key (see column 17 lines 29-43) and Tagawa et al teaches encrypting each album with a different key (see column 1 lines 29-48).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually to respective audio files and to encrypt the plurality of pieces of input data (songs) and the album with different keys.

Motivation to do so would have been to copyright protect each individual song (see page 2), to prevent the encrypted data from being played back on another information record/reproduction device (see Tsutsui column 17 lines 29-43), and to conform with the DVD copyright protection method and CCI (Copy Control Information) standard (see Tagawa column 1 lines 29-48).

As per claim 2, the modified Linnartz, McCready, Tsutsui and Tagawa et al system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz, McCready, Tsutsui and

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Tagawa et al system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz, McCready, Tsutsui and Tagawa et al system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to the modified Linnartz, McCready Tsutsui and Tagawa et al system's copy protection. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, McCready, Tsutsui, Tagawa et al and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

Response to Arguments

8. Applicant's arguments with respect to claims 1-2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER